

REMARKS

In the foregoing amendments, claim 6 was amended in accordance with a telephone interview with Examiner Javid A. Amini on May 19, 2005, which is discussed below. The remaining claims 7-12 were amended in a manner that conforms with the amendments to claim 6. Claims 6-12 are in the application for consideration by the examiner at this time.

Applicant desires to express thanks to Examiners Javid A. Amini and Jeffrey Brier for the courtesies extended the undersigned in a personal interview on April 12, 2005. At the interview, the teachings of U.S. patent No. 6,618,045 of Lin and proposed amendments to claim 6 were discussed. After the interview, the undersigned received an Interview Summary, which commented, among other things, that during the interview applicant recognized that Lin was a very complex reference that covers broadly this type of invention. The undersigned is not sure of the meaning of this statement. During the interview, the undersigned recognized that Lin is a complex reference with a broad teaching. However, the undersigned never stated that Lin remotely covers the invention as set forth in any of applicant's claims.

It was the undersigned's understanding of the personal interview that the examiners believed that the proposed amended claim 6 distinguished applicant's claimed invention from the teachings of Lin. However, the examiners desired that the applicant include a better definition of a display including a background portion and a display portion in claim 6. The

examiners desired that the undersigned send them a copy of a revised claim 6 including the better definition of a display by facsimile. On May 18, 2004, the undersigned sent Examiner Amini such a revised claim 6, which is identical in scope to amended claim 6 above. On May 19, 2005, Examiner Amini telephoned the undersigned and stated that he discussed the revised claim 6 with Examiner Brier, and that the revised claim 6 overcomes the prior art rejection set forth in the outstanding Office action. The examiner further stated that an updated search will be conducted after he receives a response with the revised claim 6, and that if the search does not reveal any pertinent prior art, the revised claim 6 will be allowed.

Claims 6-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lin in view of U.S. patent No. 4,847,603 of Blanchard. This rejection is set forth from about the middle of page 2 through page 5 of the Official action. The teachings of Lin were cited as suggesting a display screen or system. The teachings of Blanchard were cited as suggesting the use of a display system for aircraft, which allegedly could be adapted for use in a construction machine. The Official action concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device proposed by Lin for use in an aircraft or construction machine, as allegedly proposed by Blanchard, so as to arrive at applicant's claimed invention.

Applicant respectfully submits that the teachings of Lin and Blanchard did not disclose or suggest the invention as set forth in claim 6-12 within the meaning of 35 U.S.C. §103(a) for at least the following reasons.

Applicant respectfully submits that there is a fundamental difference between the teachings of Lin and the presently claimed invention, and for this reason, the teachings of Lin could not motivate one of ordinary skill in the art to the invention as set forth in the present claims. Namely, the teachings of Lin propose adjusting the background and the foreground together in the same amount; whereas in applicant's claimed invention, the change means changes the brightness, saturation and/or hue of one of the background colors or foreground images relative to the brightness, saturation and/or hue of the other of the background colors or foreground images.

Consider, for example, Lin, at column 5, lines 34-45, which proposes a dim lighting preference and a bright lighting preference and use of various algorithms in connection therewith. Within the teachings of Lin, when any of the brightness, contrast, and color of the foreground or background are changed by an amount, the brightness, contrast, and color of the entire display is changed by the same amount. In contrast thereto, applicant's claims require that the change means increases or decreases at least one of the respective brightness, saturation and hue of said color displayed in said background portion relative to the respective brightness, saturation and hue of said at least one image displayed in said display portion. In the teachings of Lin, the

brightness, contrast, and color of the entire display are changed, not portions thereof relative to each other (i.e., the foreground relative to background) as required in applicant's claims. Therefore, applicant respectfully submits that the teachings of Lin cannot contemplate or suggest the invention as set forth in the present claims.

In other words, when the brightness of the display in Lin is changed as proposed therein, the brightness of the entire display is changed including the foreground image and background color, so that there is the same difference in brightness between the background and foreground as before the change. Namely, there is no change in the relative brightness between the background color and the foreground image. On the other hand, in applicant's claimed invention, the *relative* difference in the brightness, saturation and/or hue and the background color and the foreground image is increased or decreased (changed) by the changing means. In particular, applicant's claims require increasing or decreasing at least one of the respective brightness, saturation and hue of said at least one color displayed in said background portion relative to the respective brightness, saturation and hue of said at least one image displayed in said display portion, which is not contemplated or suggested by the teachings of Lin.

In the discussion of claim 7 on page 4 of the Official action, it was stated that claim 7 uses broad language, for example, "a background portion." The Official action continued that if the background color is blue and the image is

red, then the user can control these colors with a color controller. The Official action stated that the applicant needs to be more specific about the background portion. However, applicant respectfully submits that if the device of Lin was used to change the hue of the blue background color and a red image in the foreground by a color controller (the hue of both is changed the same amount), this will not result in any change in the difference between the hue of the background color and the hue of the foreground image, in contrast to applicant's claims. In particular, applicant's claims require increasing or decreasing at least one of the respective brightness, saturation and hue of said at least one color displayed in said background portion relative to the respective brightness, saturation and hue of said at least one image displayed in said display portion, which is not contemplated or suggested by the teachings of Lin.

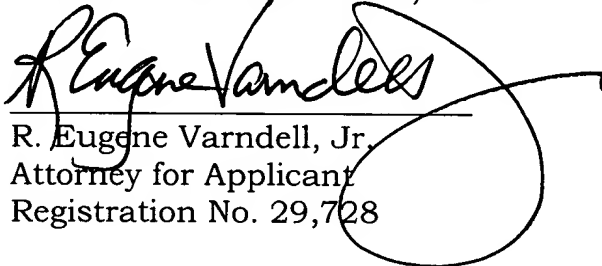
For the foregoing reasons, applicant respectfully submits that the invention defined in claims 6-12 is patently distinguishable from the teachings of Lin. The teachings of Blanchard do not cure or rectify the deficiencies in the teachings of Lin. For example, the teachings of Blanchard do not contemplate or suggest any structure for increasing or decreasing at least one of the respective brightness, saturation and hue of said at least one color displayed in said background portion relative to the respective brightness, saturation and hue of said at least one image displayed in said display portion, as required in the present claims. Therefore, applicant respectfully submits that the

presently claimed invention is distinguishable from the teachings of Lin and Blanchard within the meaning of 35 U.S.C. §103 and that the rejection of claim 6-12 over these teachings should be reconsidered and withdrawn.

In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 6-12 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
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